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8 *Boltier R&D, Inc., ADC Energy, Inc.,*
9 *Hun Yong Choe, and Choe Family, LLC*

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 BOLTIER R&D, INC., a California
13 corporation, ADC ENERGY, INC.,
14 a California corporation, and
15 HUN YONG CHOE, an individual,
directly and derivatively on behalf of
CHOE FAMILY, LLC, a California
limited liability company,

16
17 Plaintiffs,

18 v.

19 HENRY M. LEE, an individual,
20 JOHNNY PHAM, an individual,
21 MIKA YAMAMORI, an individual,
22 GEORGE SHROUDER, an individual,
23 JINA LEE, an individual, ADC
ENERGY USA, INC., a California
corporation, HAJA FAMILY, LLC, a
California limited liability company,
24 ADC AIR LLC, a Nevada limited
25 liability company, and DOES 1 through
26 100, inclusive,

27 Defendants,
28

Case No. 8:24-cv-01266-JVS-JDE

**PLAINTIFFS' NOTICE OF
EX PARTE APPLICATION AND
APPLICATION FOR LEAVE TO
SERVE DEFENDANTS BY EMAIL**

*[Declaration of Ehab M. Samuel; and
[Proposed] Order filed concurrently
herewith]*

Date: N/A
Time: N/A
Ctrm: 10C, Hon. James V. Selna

1 **NOTICE OF *EX PARTE* APPLICATION AND APPLICATION**
2 **TO THE COURT, THE PARTIES, AND THEIR COUNSEL OF**
3 **RECORD:**

4 **PLEASE TAKE NOTICE** that as soon as this matter may be heard before the
5 Honorable James V. Selna in Courtroom 10C of the United States District Court for
6 the Central District of California located at 411 West Fourth Street, Santa Ana,
7 California 92701, Plaintiffs Boltier R&D, Inc. (“Boltier”), ADC Energy, Inc.
8 (“ADC Inc.”), Choe Family, LLC (“Choe Family”), and Hun Yong Choe (“Choe,”
9 collectively with Boltier, ADC Inc., and Choe Family, “Plaintiffs”) will and hereby
10 do move for an order allowing Plaintiffs to serve each of Defendants Henry M. Lee
11 (“Lee”), Jina Lee (“Jina”), Johnny Pham (“Pham”), Mika Yamamori (“Yamamori”),
12 George Shrouder (“Shrouder”), ADC Energy USA, Inc. (“ADC USA”), and HAJA
13 Family, LLC (“HAJA” collectively with Lee, Jina, Shrouder, ADC USA, and HAJA,
14 “Defendants”) the summons and complaint in this action by email.

15 Plaintiffs’ make this request on the following grounds.

16 (i) Each of these Defendants are actively evading service of the summons
17 and complaint. Plaintiffs have made multiple attempts to serve each of them at their
18 known home and office addresses. At each time, no one answer the door or
19 individuals present at the location have denied that the Defendants live there or have
20 claimed not to work for Defendants.

21 (ii) Defendants are definitely aware of the existence of the lawsuit by virtue
22 of receiving emails attaching the lawsuit initiating papers and otherwise
23 communicating with Plaintiffs and their counsel from those same email addresses.

24 (iii) Courts regularly authorize email service where, as here, there is evidence
25 of evasion of service, refusal to accept service, previous communication with a
26 defendant, and such service is reasonably calculated to give notice.

27 (iv) The declaration of Plaintiffs’ counsel, Ehab Samuel, filed concurrently
28 herewith, demonstrates good cause exists.

1 The application is being made *ex parte* on an emergency basis because if
2 Plaintiffs are required to bring a regular noticed motion under Local Rule 6-1
3 (which requires notice of at least twenty-eight days), the matter will not be heard for
4 several weeks at the earliest. By then, the summons (even if renewed) would have
5 expired, while Defendants will continue to evade service.

6 This application is made following the conference of counsel and the parties
7 pursuant to Local Rule 7-19 which took place on July 1, 2024 via email. Plaintiffs'
8 counsel emailed each of Defendants Lee, Jina, Shrouder, Pham, Yamamori,
9 ADC USA, and HAJA, and provided them the substance of this application and
10 Plaintiffs' intent to proceed *ex parte*. Plaintiffs' counsel also advised that any
11 opposition to this application must be filed with the Court not later than 24 hours
12 after these parties are served the moving papers by email (including by the Court's
13 CM/ECF System), fax, or hand service. This application and all supporting papers
14 were served on Defendants by email on July 1, 2024.

15 Pursuant to Local Rule 7-19, contact information for each of Defendants
16 and/or their counsel in this matter is as follows.

- 17 • Henry M. Lee (in pro per)
18 3731 Wilshire Boulevard, Suite 930, Los Angeles, California 90010
19 Email: henry@adcenergyusa.com; leelawcorp@aol.com
- 20 • Jina Lee (in pro per) (wife of Henry M. Lee)
21 525 North Alpine Drive, Beverly Hills, California 90210
22 Email: henry@adcenergyusa.com; leelawcorp@aol.com
- 23 • George Shrouder (in pro per)
24 3731 Wilshire Boulevard, Suite 930, Los Angeles, California 90010
25 Email: gshrouder.boltier@gmail.com
- 26 • Johnny Pham (in pro per)
27 13888 La Jolla Plaza Garden Grove, California 92844
28 Email: jkpmsy@gmail.com

- 1 • Mika Yamamori (in pro per)
2 13888 La Jolla Plaza Garden Grove, California 92844
3 Email: jkpmsy@gmail.com
- 4 • HAJA Family, LLC (in pro per)
5 c/o Henry M. Lee (Agent for Service of Process)
6 3530 Wilshire Boulevard, Suite 1710, Los Angeles, California 90010
7 Email: henry@adcenergyusa.com; leelawcorp@aol.com
- 8 • ADC Energy USA, Inc. (in pro per)
9 c/o Henry M. Lee (Agent for Service of Process)
10 3731 Wilshire Boulevard, Suite 930, Los Angeles, California 90010
11 Email: henry@adcenergyusa.com

12 Each of Defendants is being served with this *ex parte* application and all
13 supporting papers by electronic transmission via the Court's electronic filing system
14 as well as by email.

15 This application is based on this Notice of *Ex Parte* Application and
16 Application, the supporting memorandum of points and authorities, the Declaration
17 of Ehab M. Samuel, the proposed order, the records, files, and pleadings in this case,
18 and such argument and authorities as may be presented at oral argument. No prior
19 application has been made to the Court for the requested relief.

20 DATED: July 2, 2024

ORBIT IP, LLP

21
22 By: /s/ Ehab M. Samuel
23 EHAB M. SAMUEL
24 DAVID A. RANDALL

25 *Attorneys for Boltier R&D, Inc.,*
26 *ADC Energy, Inc., Hun Yong Choe, and*
27 *Choe Family, LLC*
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Application¹ is necessary because Defendant Lee and his individual and corporate co-conspirators are deliberately evading service of the summons and Complaint. Plaintiffs have made multiple attempts to effect service of process in person as follows.

3731 Wilshire Boulevard, Suite 930, Los Angeles, CA 90010.

This is Lee's law office. It is this same location Lee provided as his official address in the *Henry Lee v. Choe Family, LLC et al.* matter (Case No. 2:24-CV-05089- JVS-JDE) (the "Lee Litigation") now pending before this Court. (*See* Declaration of Ehab Samuel ("Samuel Decl."), Ex. D [Lee Litigation Complaint cover page].) And, it is the official address listed with the Secretary of State for Defendant ADC USA, which is the company in which each of Defendants Lee, Jina, Pham, Yamamori and Shrouder work for. *See* Samuel Decl., Ex. I [SOI for ADC USA]. Moreover, it is the address that Henry purported to serve process on Jina on behalf of Choe Family in the Lee Litigation. (*See* Samuel, Decl., Ex. H [Proof of Service in Lee Litigation].)

Yet, each time a registered process server attempted to serve the papers on these Defendants at this location, he faced obstacles these Defendants erected in his way. First, on June 19, 2024, at 1:05 p.m. when he arrived, the "office closed door locked." Samuel Decl., ¶8 & Ex. B. Next, on June 21, 2024, at 11:57 a.m., he "spoke to a female Asian² she said she doesn't work for Henry Lee and can't accept services [sic]." *Id.* Then, on June 25, 2024 at 10:36 a.m., there was "No answer door locked." *Id.*

¹ Unless otherwise indicated, all capitalized terms used herein shall have the same meanings ascribed to them in the Complaint.

² Plaintiffs are informed and believe that this individual is co-conspirator, Lucie Lee, who is Lee's personal assistant at his law office and at ADC USA.

1 **13888 La Jolla Plaza, Garden Grove, CA 92844.**

2 This is the home of each of Pham and Yamamori. It is also the address that
3 they provided as their contact address to the California Superior Court in *Johnny*
4 *Pham et al. v. ADC Energy Inc. et al.*, Los Angeles Superior Court Case No.
5 23STCV05253 (the “Pham/Yamamori Litigation”). Samuel Decl., ¶ 10.

6 Plaintiffs’ process server went to this address on June 21, 2024 at 6:33 p.m. and
7 delivered the following report:

8 “could hear voices inside, windows open, shares closed, ignoring knocks
9 at door. I announced through front window Johnny Pham and calling
10 out Mika’s name. A female voice said someone calling her name. A
11 male then came to window denying being defendant and that neither
12 defendant was home...”³

13 (Samuel Decl., ¶ 10 & Ex. B).

14 The process server returned on June 22, 2024 at 7:01 p.m. and on June 24, 2024
15 at 7:01 a.m.. *Id.* There was “no answer” on both occasions. *Id.*

16 **525 North Alpine Drive, Beverly Hills, CA 90210.**

17 This is an address that is believed to be Henry and Jina Lee’s residence. Samuel
18 Decl., ¶ 9. On June 22, 2024 at 10:48 a.m., the process server went to this address
19 and “spoke to a [] young Asian lady⁴ and she said Jina Lee does not live at this location
20 nor Henry Lee...” *Id.*

21 * * *

22 There is no question Defendants are aware of this lawsuit and have already
23 received copies of the papers. Plaintiffs have sent multiple emails—containing the
24 papers filed in this case and other matters to Defendants Lee, Shrouder, Pham and
25

26 ³ Plaintiffs are informed and believe that the female voice was Yamamori, and
27 the male that answered the door was Pham.

28 ⁴ Plaintiffs are informed and believe that this individual is Henry and Jina
Lee’s daughter.

1 Yamamori—that did not generate any bounce back emails. Samuel Decl. at ¶ 16.

2 Further, Defendants Lee, Jina, Shrouder, and Pham, are senior executives in
3 Defendant ADC USA and ADC Air, and Lee is the managing member of Defendant
4 HAJA. ADC Air has been served with the complaint in Nevada. Moreover, only a
5 few days ago, Lee communicated to the shareholders of Plaintiff Boltier and to
6 Plaintiff Hun Yong Choe in response to Plaintiff Choe’s email enclosing a copy of
7 the complaint by email to Lee and the shareholders of Plaintiff Boltier. Samuel Decl.,
8 Ex. E [email to shareholders]. Also, counsel for Plaintiffs has provided Shrouder and
9 Lee a copy of the complaint and inquired on whether they would waive service.
10 (Samuel Decl., Ex. G [email to Shrouder attaching the complaint].) Thus, any feigned
11 ignorance is disingenuous. Plaintiffs’ current difficulty in locking Defendants down
12 at their known addresses is by Defendants’ own design.

13 The Court should not countenance Defendants’ obvious attempts to escape
14 service of process. Therefore, Plaintiffs respectfully request an order permitting
15 service to be effectuated upon each of Defendants Lee, Jina, Pham, Yamamori,
16 ADC USA, and HAJA by sending a copy of the papers to each of their email addresses
17 and that each of them be permitted 30 days from the date of email to respond to the
18 Complaint prior to Plaintiffs being entitled to take a default.

19 **II. THE COURT SHOULD ALLOW PLAINTIFFS TO SERVE BY EMAIL.**

20 It is not uncommon for courts to permit service by email particularly where
21 there is evidence of evasion of service, refusal to accept service and there has been
22 communication with defendant, and such service is reasonably calculated to give
23 notice. For instance, the Ninth Circuit has long authorized email service for foreign
24 corporations. *See, e.g., Rio Props. v. Rio Int’l Interlink*, 284 F.3d 1007 (9th Cir. 2002)
25 (service of process by e-mail was proper not only because it was reasonably calculated
26 to apprise the defendant of the pendency of the action and afford it an opportunity to
27 respond, but also because it was the method of service most likely to reach the
28 defendant). And, district courts routinely consider alternative forms of service such

1 as by email as proper, *See, e.g., Seaboard Marine Ltd., Inc. v. Magnum Freight Corp.*,
2 2017 U.S. Dist. LEXIS 231098 (S.D. Fla. Sept. 21, 2017) (service of process via e-
3 mail is authorized where plaintiff presented evidence that defendant evaded service,
4 refused to accept service via FedEx, and had communicated with the e-mail plaintiff
5 proposed to use for service); *St. Francis Assisi v. Kuwait Fin. House*, 2016 U.S. Dist.
6 LEXIS 136152 (N.D. Cal. Sept. 30, 2016) (service of process via Twitter was
7 reasonably calculated to give notice and was not prohibited by international
8 agreement); *FTC v. PCCare247 Inc.*, 2013 U.S. Dist. LEXIS 31969 (S.D.N.Y. Mar.
9 7, 2013) (service by e-mail and Facebook are reasonably calculated to provide
10 defendants with notice); *Popular Enters., LLC v. Webcom Media Group, Inc.*, 225
11 F.R.D. 560 (E.D. Tenn. Nov. 16, 2004) (service to email address defendant provided
12 to its domain name registrar that did not bounce back is fully authorized, is the method
13 most likely to reach the defendant, and is reasonably calculated to apprise the
14 defendant of the pendency of the action and afford it an opportunity to be heard).

15 Here, Plaintiffs made several attempts to serve Defendants personally at three
16 different addresses. Plaintiffs also made attempts at different times of the day
17 (morning, afternoon, and evening) and on different days of the week.

18 Additionally, each of Defendants Lee, Pham, Yamamori, and Shrouder controls
19 the operations of Defendant ADC Air, that has been served through its agent for
20 service of process in Nevada. There is no question that service upon ADC Air already
21 provided notice to these Defendants.

22 Moreover, Plaintiffs' counsel has been communicating with each of Pham and
23 Yamamori in the Pham Litigation via their email addresses as pro per litigants in the
24 Pham Litigation.

25 In short, email service is proper because it is reasonably calculated to apprise
26 Defendants who already know about the pendency of the action, that he has been
27 served, and to afford him an opportunity to respond. Further, it is the method of
28 service most likely to reach them.

1 **III. CONCLUSION**

2 Therefore, Plaintiffs respectfully request an order permitting service to be
3 effectuated upon each of Defendants Lee, Jina, Pham, Yamamori, ADC USA, and
4 HAJA by sending a copy of the papers to each of their email addresses and that each
5 of them be permitted 30 days from the date of email to respond to the Complaint.

6
7 DATED: July 2, 2024

ORBIT IP, LLP

8
9 By: /s/ Ehab M. Samuel

10 EHAB M. SAMUEL

11 DAVID A. RANDALL

12 *Attorneys for Boltier R&D, Inc.,*
13 *ADC Energy, Inc., Hun Yong Choe, and*
14 *Choe Family, LLC*